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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,742	08/10/2001	Joseph E. Kaminkow	IGT1P061P-573	7305

22434 7590 05/27/2003  
 BEYER WEAVER & THOMAS LLP  
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EXAMINER

COBURN, CORBETT B

ART UNIT

PAPER NUMBER

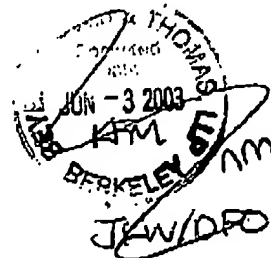
3714

DATE MAILED: 05/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

REMINDER

BEYER WEAVER & THOMAS, LLP
ATTY: <u>JAW</u> ASSOC: <u>DPO</u>
ACTION: <u>FINAL REJECTION</u>
<u>NOA</u>
DUE DATES: <u>FIN. RET. - 6/10/03</u>
<u>NOA - 9/10/03</u>
DOCKETED: <u>9/3/03</u> BY: <u>KFM</u>
DOCKET NO.: <u>IGT1P061US</u>



PTO-90C (Rev. 07-01)

**Advisory Action**

Application No.

09/927,742

Applicant(s)

KAMINKOW, JOSEPH E.

Examiner

Corbett B. Coburn

Art Unit

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~The MAILING DATE of this communication appears on the cover sheet with the correspondence address ~

THE REPLY FILED 08 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-103.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s).
10. ☒ Other: See attached

*Triffy*  
SPE 3714

SEP. 9. 2003 4:57PM  
Continuation Sheet (PTO-303)

NO. 334 P. 6  
Application No. 09/927,742

Continuation of 2. NOTE: The specific information received by the system (or lack thereof) would require further consideration.

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**DETAILED ACTION*****Response to Arguments***

1. Applicant's arguments filed 8 May 2003 have been fully considered but they are not persuasive.
2. Applicant argues that Cumber teaches away from Walker's anonymous comping system. This is not the case. While Cumber does not teach anonymous comping, Cumber does not teach that anonymous comping will not work. A reference "teaches away" when it suggests that a proposed modification will not work. This is clearly not the case with Cumber.
3. Applicant's argument that Cumber specifically requires identification information from the patron is true, but this limitation is found in the non-entered amendments and not in the claims as rejected. Therefore, this argument is moot.
4. Applicant wishes the Examiner to point out specifically how Walker would be modified in view of Cumber to arrive at the claimed subject matter. Walker teaches the invention substantially as claimed, including anonymous comping. Walker teaches awarding comp points to a player (without starting a player tracking session) based on the amount of the player's wager and whether the player wins or loses. (Fig 10a) This could easily be implemented by a computer rather than a dealer, but Walker does not teach implementing comping on a gaming machine. Cumber teaches implementing comping on a gaming machine. Gaming machines are tremendously popular. It would have been obvious to one of ordinary skill in the art at the time of the invention to have implemented Walker's anonymous comping on a gaming machine, in view of Cumber disclosure that comping may be implemented on a gaming machine, in order take advantage of the tremendous popularity of gaming machines.

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5. Applicant argues that Burns teaches away from the present invention. As discussed above, "teaching away" implies a teaching that the present invention will not work. Burns does not "teach away". Walker discloses a cashier entering a code number into an automated system that reads, validates, and combines loyalty instruments. Burns is an automatic ticket reader that automatically enters a code number into an automated system for processing comps (free games). Having a bar code reader to automatically perform the functions performed by a cashier is well known and results in significant cost savings. Furthermore, Burns' preprinted coupons appear to be a form of anonymous comping. It would have been obvious to one of ordinary skill in the art to have replaced Walker's cashier with a barcode reader as suggested by Burns in order to cut casino operating expenses.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

*cbc*

cbc

May 20, 2003

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SEP 10 2003

**OFFICIAL**